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April 20, 2020

DELIVERED VIA ECF AND EMAIL

The Honorable Katherine Polk Failla
Failla_NYSDChambers@nysd.uscourts.gov

Case Title:	<i>McGucken v. Newsweek LLC et al.</i>
Case No.:	1:19-cv-09617-KPF
Re:	Request to File Supplemental Brief Addressing Recent Authority

Your Honor:

As you know, this office represents Plaintiff, Dr. Elliot McGucken, in the above-referenced action. We write pursuant to Your Honor's Individual Rule 4B, to seek leave to file a supplemental brief, attached hereto as Exhibit 1.

On April 13, 2020, McGucken filed his opposition to Defendant Newsweek Digital LLC ("Newsweek")'s motion to dismiss. (Dkt. #26.) That same day, the Honorable Judge Kimba Wood issued a ruling in *Sinclair v. Ziff Davis, LLC et al.* (18-CV-790-KMW) that addressed the primary question now before Your Honor through this motion. (*See* Ex. 2.) Given that the *Sinclair* ruling was issued on the same day that McGucken filed his opposition, he did not have the opportunity to address this decision.

Newsweek consents to this request, which includes Newsweek receiving an additional week – until May 4, 2020 – to file its reply brief. Given the complexities and importance of the issues before the Court, Dr. McGucken requests telephonic oral argument should the Court's calendar allow for same.

We appreciate Your Honor's consideration of the foregoing.

Respectfully submitted,

By: /s/ Scott Alan Burroughs
Scott Alan Burroughs
For the Plaintiff

The supplemental brief is received and filed. Defendant shall have until May 4, 2020 to file its reply brief.

SO ORDERED on April _____, 2020.

*By: _____
Honorable Katherine Polk Failla*